

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

J.T. BLAKNEY

PLAINTIFF

v.

CIVIL ACTION NO. 1:22-cv-242-TBM-RPM

**CITY OF MERIDIAN; ALLIANCE
HEALTH CENTER; LAUDERDALE
COUNTY SHERIFF; LYNN FITCH;
TATE REEVES; EAST MISSISSIPPI
STATE HOSPITAL; DONALD TRUMP;
and UNKNOWN GUNN, *Speaker***

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on submission of the Report and Recommendation [6] entered by United States Magistrate Judge Robert P. Myers on January 19, 2023. Judge Myers recommends that the Plaintiff's Complaint [1] be dismissed without prejudice for lack of subject matter jurisdiction, as the Plaintiff does not allege a violation of federal law or otherwise explain how diversity jurisdiction exists in this action. In the alternative, Judge Myers recommends that the Plaintiff's claims be dismissed without prejudice for failure to comply with the Court's Order to Show Cause [5]. The Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.


"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); see *Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) ("When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for

plain error”) (citing *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Myers’ Report and Recommendation, the Court finds neither is clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [6] entered by United States Magistrate Judge Robert P. Myers on January 19, 2023, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED the Plaintiff’s claims are DISMISSED WITHOUT PREJUDICE.

THIS, the 3rd day of March, 2023.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE